THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13068 of 2002

Date:20.07.2007

Between:

Jyothula Readymade Market Merchants Association.

.. PETITIONER

AND

The Divisional Engineer and others.

..RESPONDENTS

ORDER:

The petitioner is an association of the merchants of readymade garments. All of them are conducting business at a place known as Jyothula Market. It is sated that the members of the association were allotted open space by the Municipal Corporation and that the shops were extended the power. The petitioner complains that the respondents had disrupted the power supply without any basis and without following the procedure prescribed under law. The petitioner contends that the power supply was disconnected on the instructions issued by the District Collector, the Chairman of the Municipal Corporation and the local police authorities.

At an earlier stage, this Court directed the petitioner to implead the said authorities and, accordingly, they were impleaded as respondents 2 to 4.

The learned Government Pleader for Revenue obtained instructions from the District Collector, East Godavari District. He submits that no instructions were given to the first respondent by the District Collector to disconnect the power supply. So is the case with the Municipal Corporation of Kakinada, the third respondent herein. It is urged that the Deputy Superintendent of Police, Kakinada addressed a letter to the first respondent to disconnect the power supply, as a step to clear the encroachments on the road.

Heard the learned counsel for the petitioner, learned standing counsel for the first respondent and the learned Government Pleader for Home.

Even assuming that the shops established by the petitioner are on road margin, the first respondent is under obligation to issue notice to the petitioner before the power supply is disconnected. Clause 17.2 of the Terms and Conditions of Supply clearly mandates that before the power supply to a consumer is disrupted, a show cause notice inviting explanation must be issued. Admittedly, such a course was not adopted in the instant case.

On this short ground, the writ petition is allowed and the first respondent is directed to restore the power supply to the members of the petitioner-association. It is, however, made clear that if the respondents intend to disconnect the power supply to the petitioner of any ground, they shall be under obligation to follow the prescribed procedure. There shall be no order as to costs.

20.07.2007

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